

REVISED

EXECUTIVE OFFICER SUMMARY REPORT October 9, 2002

ITEM: 9

SUBJECT: Public Hearing: Cease and Desist Order for Rancho California Water District, Santa Rosa Water Reclamation Facility Discharge to the Santa Margarita River, to Establish Interim Effluent Limitations and a Time Schedule to Comply with NPDES Permit No. R9-2002-0104 (CA0108821) (*Chiara Clemente*)

PURPOSE: To consider adoption of Cease and Desist Order No. R9-2002-0212, which would impose interim effluent limitations and a time schedule to achieve compliance with Order No. R9-2002-0104 (NPDES No. CA0108821) so that the discharger may continue a water resources management pilot project to discharge recycled water from the Santa Rosa Water Reclamation Facility (SRWRF) to Murrieta Creek, ~~while implementing measures to achieve compliance with current regulations.~~

PUBLIC NOTICE: A newspaper notice of the hearing was published in the North County Times (Inland) and Riverside Press Enterprise on September 9, 2002. A copy of this notice was sent by certified mail to the discharger on September 9, 2002. Copies of Tentative Cease and Desist Order R9-2002-0212 were sent to the discharger (via certified mail) and all interested parties and agencies, and made available at the ~~the~~ Regional Board office on September 23, 2002. All supporting documents listed above have been posted on the Regional Board web-site.

DISCUSSION: If adopted, tentative Order No. R9-2002-0104 would authorize Rancho California Water District (RCWD) to discharge up to 2.0 MGallons/Day to the surface waters of Murrieta Creek, tributary to the Santa Margarita River. This discharge is a continuation of a "pilot study" and therefore, remains subject to termination at any time.

According to the data submitted by RCWD, SRWRF effluent will not comply with the new California Toxics Rule limitations for dibromochloromethane and dichlorobromomethane contained in Order No. R9-2002-0104. Pursuant to Section 2.1

of the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (i.e. Implementation Policy), a Regional Board may establish a compliance schedule with interim effluent limitations and requirements for the discharger to achieve the CTR limitations. Where appropriate, the discharger may also seek a "case-by-case" exception with the State Water Resources Control Board (SWRCB) in accordance with Section 5.3 of the Implementation Policy. The subject Order contains interim effluent limitations for dibromochloromethane and dichlorobromomethane and requirements for the discharger to achieve compliance with the limits in Order No. R9-2002-0104, or obtain a case-by-case exception for dibromochloromethane and dichlorobromomethane no later than October 2005. Interim limitations are based on the anticipated effluent quality derived from the highest value reported in the discharger's monitoring data.

Order R9-2002-0104 also contains revised nutrient effluent limitations in accordance with the nitrogen and phosphorous objectives (of 1.0 and 0.1 mg/L, respectively) established in Chapter 3 of the Basin Plan. For reference, the currently employed treatment technology (sequencing batch reactors) has averaged 3.6 and 0.82 mg/L for total nitrogen and phosphorous, respectively for the year 2000. If adopted, the subject order would provide the discharger 3 years to either implement new treatment technology (if available) that would comply with the existing objectives or to develop site-specific nutrient objectives for the receiving waters and to determine whether their effluent can comply with these revised objectives. In the event that the analysis reveals that there is insufficient assimilative capacity in Murrieta Creek and the Santa Margarita River to support the existing discharge, RCWD will simultaneously analyze, select, and propose an alternative disposal method. Interim nutrient effluent limitations established in this Order are the same limitations as those in the previous Order No. 96-54, ~~which the discharger has demonstrated they can comply with under normal operating conditions.~~

~~As of September 23, 2002, no written comments on the subject order have been received.~~ Written comments were received from the discharger and other interested parties up to the close of the written comment period at 5:00 pm on October 2, 2002. The Sierra Club submitted a separate letter (copy enclosed) in support of the Cease and Desist Order; however, all other comments are combined with those

included in Item 8 on today's agenda. Staff has reviewed the comments and recommends no changes to the tentative Cease and Desist Order.

LEGAL CONCERNS: None.

SUPPORTING DOCS: 1) Notice of Public Hearing
2) Transmittal letter
3) Tentative Cease and Desist Order No. R9-2002-0212
4) Sierra Club letter dated September 27, 2002

SIGNIFICANT CHANGES: None.

RECOMMENDATION: Adoption of tentative Cease and Desist Order No. R9-2002-0212, is recommended, on the same day as the adoption of tentative Order No. R9-2002-00104.